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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,704	12/21/2001	George H. Forman	10013643-1	4185

7590   02/25/2005

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EXAMINER
DENNISON, JERRY B

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/027,704	FORMAN, GEORGE H.
	Examiner	Art Unit	
	J. Bret Dennison	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413)	
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		Paper No(s)/Mail Date. _____ .	
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		5)☐ Notice of Informal Patent Application (PTO-152)	
Paper No(s)/Mail Date _____ .		6)☐ Other: _____ .	

DETAILED ACTION

1.   This Action is in response to Application Number 10/027704 received on 21

December 2001.

2.   Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, and 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated

by Friskel (U.S. Patent Number 6,839,737).

3.   Regarding claims 1, 12, and 17, Friskel discloses in an email system having a

sender email client application coupled to a sender email server and a recipient email

client application coupled to a recipient email server, a system of determining status of a

recipient email address assumed by the recipient application, comprising:

a status table in the recipient server that stores the status of the recipient email

address, wherein the table is searchable by an email address and the sender and

recipient servers are coupled together (Friskel, col. 3, lines 20-25, col. 5, lines 1-10, Fig. 4);

a first status notification module in the recipient server that stores the status of the recipient email address in the status table (Friskel, col. 3, lines 20-25);

a second status notification module in the sender server that forwards inquiries of the status of the recipient email address to the recipient server (Friskel, col. 5, lines 50-67);

a status check module in the sender application that sends an inquiry with the recipient email address to the first status notification module via the second status notification module in the sender application when the recipient email address is determined in the sender application (Friskel, col. 3, lines 50-55), wherein the first status notification module accesses the status table with the recipient email address to obtain and return the status of the recipient email address to the sender application before the sender application sends any message to the recipient email address (Friskel, col. 6, line 30 through col. 7, line 15).

4.   Regarding claims 2, 13, and 18, Friskel discloses the limitations, substantially as claimed, as described in claims 1, 12, and 17, including wherein the table is located in the server and the status indicates if (1) the email address of the recipient email address is not valid or no longer valid, (2) the recipient email address is set in an auto-reply mode, or (3) the auto-reply mode for the recipient email address is not set (Friskel, col. 7, lines 25-30).

5.   Regarding claims 3, 14, and 20, Friskel discloses the limitations, substantially as claimed, as described in claims 1, 12, and 17, including wherein the step of recording status of the recipient email address further comprises the steps of

notifying the server of the status of the recipient email address from a recipient application that assumes the recipient email address when the recipient email address changes its status in message receiving and handling (Friskel, col. 5, lines 60-65); and

recording the new status of the recipient email address in the table (Friskel, col. 6, lines 5-15).

6.   Regarding claim 4, Friskel discloses the limitations, substantially as claimed, as described in claim 1, including wherein the step of sending an inquiry further comprises the steps of

determining in the sender application if the recipient email address has been specified (Friskel, col. 3, lines 50-60);

if the recipient email address has been specified in the sender application, sending the inquiry from the sender application to the server with the recipient email address (Friskel, col. 3, lines 50-60);

searching the table with the recipient email address for the status information of the recipient email address (Friskel, col. 3, lines 49-53);

returning the status of the recipient email address to the sender application from the server (Friskel, col. 6, lines 40-45).

7.   Regarding claims 5, 15, and 21, Friskel discloses the limitations, substantially as

claimed, as described in claims 4, 12, and 17, including wherein the step of sending the

inquiry is performed by a remote procedural call (Friskel, col. 3, lines 60-67).

8.   Regarding claim 16, Friskel discloses the limitations, substantially as claimed, as

described in claim 12, including wherein the status check module sends the inquiry

by

        determining if the recipient email address has been specified (Friskel, col. 3, lines

50-55);

if the recipient email address has been specified, sending the inquiry to the server with

the recipient email address (Friskel, col. 3, lines 50-55).

Claim Rejections - 35 USC § 103

        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friskel in view of Shum (U.S. Patent Application Publication 2004/0059789).

9.   Regarding claim 6, Friskel discloses in an email system having a sender email client application coupled to a sender email server and a recipient email client application coupled to a recipient email server, a system of determining status of a recipient email address assumed by the recipient application, comprising:

maintaining a status table in the recipient server that stores the status of the recipient email address, wherein the table is searchable by an email address and the sender and recipient servers are coupled together (Friskel, col. 3, lines 20-25, col. 5, lines 1-10, Fig. 4);

if the recipient email address has been specified in the sender application, sending the inquiry from the sender application to the server with the recipient email address (Friskel, col. 3, lines 50-60);

searching the table with the recipient email address for the status information of the recipient email address (Friskel, col. 3, lines 49-53); and

returning the status of the recipient email address to the sender application from the server (Friskel, col. 6, lines 40-45).

However, Friskel does not explicitly state having a first and a second email server coupled together and a first and a second plurality of email client applications coupled to the first and second servers, respectively, each having an email address, a method of determining status of a recipient email address, comprising

sending an inquiry from a sender application to the second email server for the status of the recipient email address when a user of the sender application has specified the recipient email address to send a message to the recipient email address, wherein the sender application is one of the second plurality of applications;

forwarding the inquiry from the second server to the first server;

searching the table with the recipient email address for the status of the recipient email address and returning the status to the sender application via the first and second email servers before a message is sent to the recipient email address.

In an analogous art, Shum discloses a system and method for tracking messages in an electronic messaging system where messages are transmitted from a client on one mail server to a client on another mail server (Shum, page 5, paragraphs 75-77, 80). Because the idea of multiple email servers being connected to each other allowing clients of each email server to communicate with each other is well known in the art, it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate using multiple email servers into Friskel, allowing clients on different email servers to be able to check the status of each other to provide an improved system and method for performing capacity planning in an electronic mail messaging system in a more efficient manner, to determine end-to-end message flow information in an enterprise messaging system (Shum, page 4, paragraph 42).

10.   Regarding claim 7, Friskel and Shum disclose the limitations, substantially as claimed, as described in claim 6, including wherein the table is located in the server and the status indicates if (1) the email address of the recipient email address is not valid or no longer valid, (2) the recipient email address is set in an auto-reply mode, or (3) the auto-reply mode for the recipient email address is not set (Friskel, col. 7, lines 25-30).

11.   Regarding claim 8, Friskel and Shum disclose the limitations, substantially as claimed, as described in claim 6, including wherein the step (C) further comprises the steps of

searching a second status table located in the second server for an entry associated with the recipient email address, wherein the second status table stores status of each of the second plurality of applications (Friskel, col. 3, lines 20-25, col. 5, lines 1-10, Fig. 4);

if the second server is not responsible for the recipient email address, then forwarding the inquiry to the first server (Shum, page 5, paragraphs 75-77, 80, Shum teaches communication between two email servers).

12.   Regarding claim 9, Friskel and Shum disclose the limitations, substantially as claimed, as described in claim 6, including wherein the step (A) further comprises the steps of

notifying the first server of the status of the recipient email address from a

recipient application that assumes the recipient email address when the

recipient email address changes its status in message receiving and handling;

recording the new status of the recipient email address in the table by the

first server (Friskel, col. 5, lines 60-65).

13.   Regarding claim 10, Friskel and Shum disclose the limitations, substantially as

claimed, as described in claim 6, including wherein the step of (B) further comprises the

steps

of determining in the sender application if the recipient email address has

been specified (Friskel, col. 3, lines 50-60);

       if the recipient email address has been specified in the sender application,

sending the inquiry from the sender application to the second server with the recipient

email address (Friskel, col. 3, lines 50-60).

14.   Regarding claim 11, Friskel and Shum disclose the limitations, substantially as

claimed, as described in claim 10, including wherein the step of sending the inquiry is

performed by a remote procedural call (Friskel, col. 3, lines 60-67).

       Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friskel

in view of obviousness.

15.   Regarding claim19, Friskel discloses the limitations, substantially as claimed, as

described in claim 17, including wherein the second status notification module searches

a second status table located in the sender application for an entry associated with the

recipient email address, wherein the second status notification module forwards the

inquiry to the first status notification module in the recipient server (Friskel, col. 5, last

paragraph). However, Friskel does not explicitly state wherein the second status

notification module forwards the inquiry to the first status notification module in the

recipient server if there is no entry in the second status table that is associated with the

recipient email address. It would have been obvious to one in the ordinary skill in the

art at the time the invention was made to incorporate filling the entry in the status table

to notify the status of the recipient email address to enable an end user to determine the

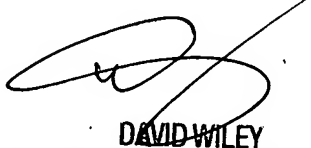on-line status of other users (Friskel, col. 2, lines 49-64).

Conclusion

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-

3910. The examiner can normally be reached on M-F 8:30am-5pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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